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Attorneys for Defendants  
FINANCO FINANCIAL, INC.,  
AHMED YAMA ASEFI, and  
AAROON SADAT

**UNITED STATES DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

ROSA GALINDO, MARIA GALINDO,

Plaintiffs,

vs.

FINANCO FINANCIAL, INC.; PATRICK  
PATCHIN; AHMED YAMA ASEFI;  
AAROON SADAT; NAZIA  
NAWABZADA; COUNTRYWIDE BANK,  
N.A.; COUNTRYWIDE FINANCIAL  
CORP.; HOMECOMINGS FINANCIAL  
NETWORK; COMMONWEALTH LAND  
TITLE COMPANY; JOSEPH ESQUIVEL;  
PAMELA SPIKES; and DOES 1-100;

Defendants.

**Case No. 3:07-cv-3991-MHP**

**RE-NOTICE OF MOTION AND  
MOTION TO DISMISS FOR  
FAILURE TO STATE A CLAIM**

DATE: April 14, 2008  
TIME: 2:00 p.m.  
COURT: Courtroom 15  
450 Golden Gate Ave.  
San Francisco, CA

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE THAT on April 14, 2008, at 2:00 a.m., or as soon thereafter as the matter may be heard in Courtroom 15 of the above-captioned court, Honorable Marilyn H. Patel presiding, located at 450 Golden Gate Avenue, San Francisco, California, defendants FINANCO FINANCIAL, INC., AHMED YAMA ASEFI, and AAROON SADAT (collectively, "Defendants") will and hereby move the court for an order dismissing the following of plaintiffs' claims in the Second Amended Complaint for failure to state a claim pursuant to Federal Rule of Civil Procedure 12(b)(6):

**RE-NOTICE OF MOTION AND MOTION TO DISMISS FOR FAILURE TO STATE A CLAIM**

- 1           1.       The third cause of action for alleged violation of the Truth in Lending Act (“TILA”)
- 2                    against FINANCO FINANCIAL, INC.
- 3           2.       The fourth cause of action for alleged violation of the Real Estate Settlement
- 4                    Procedures Act (“RESPA”) regarding Defendants’ alleged failure to provide
- 5                    disclosures to Plaintiffs relating to Plaintiffs’ loans.
- 6           3.       The fifth cause of action for fraud (intentional misrepresentation) against defendants
- 7                    AHMED YAMA ASEFI and AAROON SADAT.
- 8           4.       The sixth cause of action for fraud (concealment) against defendants AHMED
- 9                    YAMA ASEFI and AAROON SADAT.
- 10          5.       The seventh cause of action for fraud (negligent misrepresentation) against
- 11                  defendants AHMED YAMA ASEFI and AAROON SADAT.
- 12          6.       All causes of action against defendants AHMED YAMA ASEFI and AAROON
- 13                  SADAT based on an alter ego theory.
- 14          7.       The ninth cause of action for alleged violation of the California Consumers Legal
- 15                  Remedies Act (“CLRA”) against Defendants.
- 16          8.       The twelfth cause of action for civil conspiracy against Defendants.
- 17          9.       The thirteenth cause of action for alleged violation of California Civil Code Section
- 18                  1632 against Defendants.

19           This motion is based upon this notice and motion, the memorandum of points and authorities  
20 and reply brief previously filed, the pleadings, files and records in this action, and on such further  
21 evidence and argument as may be submitted to the court in connection with the motion.

22  
23 Dated: February 28, 2008

LITIGATION ADVOCATES GROUP

24  
25 By: \_\_\_\_\_  
26 SCOTT HAMMEL, ESQ.

27 Attorneys for Defendants  
28 FINANCO FINANCIAL, INC.,  
AHMED YAMA ASEFI,  
and AAROON SADAT